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E-FILED: October 14, 2009

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In Re:)	Case No. BKS-09-18603-BAM
)	Chapter 13
)	
)	
Sergio and Maria Hernandez,)	
)	
)	
Debtor(s).)	
)	
)	

AFFIDAVIT OF DEBTOR

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

Sergio Hernandez, says:

1. On or about May 26, 2009, I filed the instant chapter 13 bankruptcy, bearing docket number 09-18603.
2. On or about July 30, 2009, Creditor, BAC Homes Loans Servicing, L.P. fka Countrywide Home Loans Servicing, L.P., filed for relief from stay to resume foreclosure on my property located at 4780 Bennett Drive, Las Vegas, Nevada 89121.
3. On or about August 13, 2009, I filed timely opposition to Creditor's relief from stay.
4. On August 28, 2009 at 1:30 PM hearing was held on Creditor's motion for relief. I agreed (though counsel) not to prosecute opposition to Creditor's

motion if Creditor agreed to renote the Notice of Default as required under revised NRS 107 (as amended though Nevada Assemble Bill 149). In essence this compromise required Creditor to provide me with an opportunity to elect to mediate through Nevada's mediation program with Creditor with a goal of negotiating a loan modification.

5. On September 3, 2009, Creditor obtained an Order on its Motion for Relief from stay.
6. Creditor never filed a Notice of Entry of Order of the above Order.
7. On or about October 3, 2009, Creditor, in total disregard to the Court's Order, and agreement with the debtor, mailed me a Notice of Trustee Sale on the my home located at 4780 Bennett Drive, Las Vegas, Nevada 89121. The sale is noticed to be held on October 26, 2009 at 10:00 AM.
8. Creditor's continued action to sell my home has caused me significant emotional and physical distress. Specifically, my wife and I have lost sleep, suffered nausea, headaches, anxiety, depression and fear. I have lost my appetite and have had difficulty concentrating at work. This has been has the most stressful situation of my life.

DATED: October 14, 2009

/s/Sergio Hernandez
Sergio Hernandez
Debtor

SUBSCRIBED and SWORN to before
me this ___5___ day of _OCTOBER 2009.

/S/CANDACE HACKMAN

NOTARY PUBLIC in and for said
County and State